

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE VIDEOTAPED 30(b)(6)
DEPOSITION OF BENNY McCLURE, produced as a
witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 15th day of
August, 2007, in the City of Fayetteville, County of
Washington, State of Arkansas, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

Exhibit 25

TULSA FREELANCE REPORTERS
918-587-2878

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1 them, bury them, dispose them, incinerate, however
2 is required by law?

3 MR. GRAVES: Object to the form.

4 A To dispose of them as is required by law, yes.

5 Q Does George's pick up any dead birds for any 01:34PM
6 reason?

7 A Once we start to catch birds on a farm, for
8 example, a broiler farm, if we're going out to bring
9 those birds into the plant, once we actually start
10 the process of catching those birds, if any of the 01:34PM
11 birds die during that catching process, then we take
12 those birds in.

13 Q All right. Is George's the one that sets the
14 schedule for placement of the birds?

15 A We set the schedule while working with the 01:35PM
16 growers' needs and wishes. If a grower wants to
17 take a vacation and he lets us know ahead of time,
18 we'll to the best of our ability provide him enough
19 out time to work in his vacation between flocks or
20 if he needs to do repairs to his buildings or 01:35PM
21 whatever he needs, we try to accommodate those
22 requests.

23 Q The schedule for picking up the birds is
24 determined by George's?

25 A Yes. 01:35PM

1 Q The actual birds that are delivered, they are
2 not chosen by the grower but picked by George's for
3 delivery?

4 A That is correct. However, on our delivery,
5 when we put the delivery schedules together, we have 01:36PM
6 programs in place to rotate chicks out of pullet
7 flocks, to rotate any byproducts that we may source.
8 We keep track of what chicks that a grower has
9 received for the last year and we make certain that
10 he doesn't get more than his share of pullet chicks 01:36PM
11 or outside purchased chicks, that those get rotated
12 around so he doesn't get stuck in a rut where he
13 gets them all the time.

14 Q So there are times where George's will
15 actually buy chicks from another supplier, provide 01:36PM
16 them to the grower -- to George's growers for
17 grow-out?

18 A There have been times when that has happened,
19 yes.

20 Q All right. Is that more the exception than 01:37PM
21 the rule?

22 MR. GRAVES: Object to the form.

23 A Yes, that is more the exception than the rule.

24 Q Does George's supply and deliver all the feed
25 to each of its grow-out farms? 01:37PM

1 A Yes, it does.

2 Q Does it supply all the medications required
3 for the birds at the grow-out farms?

4 A If any is required, we would supply it.

5 Q Does George's supply all the vaccinations that 01:37PM
6 are required for the birds at the grow-out farm?

7 A Yes, we do.

8 Q And does George's supply all the veterinary
9 services for its birds?

10 A Yes. 01:37PM

11 Q George's in fact -- it also supplies what I
12 refer to as a service tech or a field
13 representative, field man. What term do you use at
14 George's?

15 A Serviceman is fine. 01:37PM

16 Q Serviceman, and does George's supply a
17 serviceman for use -- let me back up. First off,
18 the serviceman is an employee of George's; correct?

19 A Correct.

20 Q His duties or tasks are generally to go in and 01:38PM
21 check on the various grow-out farms on a fairly
22 regular basis?

23 MR. GRAVES: Object to the form.

24 A Generally, yes.

25 Q And the cost of that is borne by George's, is 01:38PM

1 A Correct.

2 Q Is there -- what's the outer range that
3 logistically George's would like to see that mileage
4 be? Did I say that right? Let me say it this way:
5 How far -- how many miles out does George's prefer
6 the farm to be from their mill or feed production
7 area?

02:45PM

8 A That preference has changed over the years as
9 the cost of transportation has went up. That number
10 would currently be 30 miles, but we have a lot of
11 farms in production that are over 30 miles from the
12 mill and we will continue to do business with those
13 folks, but we wouldn't add a new farm today; we
14 wouldn't contract with a new grower today that was
15 over 30 miles from the mill.

02:46PM

02:46PM

16 Q Okay. I'm going to hand you what's been
17 marked as Exhibit 39 and ask you to familiarize
18 yourself with that and we'll ask you some questions.

19 MR. GARREN: For the Record there are a
20 couple of miscellaneous sheets in here that marked
21 attorney eyes only. I'm not sure why they are. But
22 you might look at those, Counsel, and see if there's
23 a reason to continue to have that designation.

02:47PM

24 Q Do you know what this is?

25 A It's a liquid manure permit application.

02:48PM